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SUBJECT: LESOTHO: WORST FORMS OF CHILD LABOR UPDATE

REF: STATE 149663

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Per REFTTEL, Embassy Maseru submits the following update on the worst forms of child labor in Lesotho.

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Lesotho: The Worst Forms of Child Labor Update  
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1. While limited in scope and confined to the informal sector, problems with child labor do exist in Lesotho. Recent studies on child labor by regional NGOs, UNICEF, and the International Labor Organization conclude that the worst forms of child labor (WFCL) in Lesotho occur primarily in four areas: 1) child commercial sex; 2) herding; 3) informal street vending; and 4) domestic work. Child labor does not appear to be present in Lesotho's industrial enterprises.

**Child Commercial Sex Work:** This form of child labor, illegal in Lesotho, is increasing in urban areas according to Lesotho's Ministry of Employment and Labor. Although most girls who participate in commercial sex work claim to do so out of choice, circumstances such as severe poverty force children into this activity.

**Herd boys:** The rural herding of livestock is the most common and the most hazardous form of paid child labor. It is categorized as WFCL as it prevents children from attending school and involves long hours, night work, and exposure to extreme weather conditions in isolated areas. It also subjects children to dangerous armed cattle thieves.

**Street Venders:** Most children working as informal street venders do not attend school. These children are faced with hazardous working conditions, exposure to inclement weather, and other health hazards. Often, they are exploited into participation in illegal activities such as burglary and petty theft.

**Domestic Work:** Domestic work, though not always regarded as WFCL, involves long hours of labor in some cases reaching sixteen hours per day. Many young girls employed as domestics face verbal, physical, and in some cases sexual abuse from their employers.

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Laws and Regulations Proscribing WFCL in Lesotho  
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2. In 2001, Lesotho ratified ILO Convention 182 on the Prohibition and Elimination of the Worst Forms of Child Labor

and Convention 138 on Minimum Age of Employment. Lesotho's Labor Code Order of 1992 and its subsequent amendments represent the principal law governing the terms and conditions of employment in Lesotho. Sections 124-128 bar the employment of children and young persons. Child labor is additionally regulated by the Children's Protection Act of 1980 which provides for the protection of children in need of care, such as abandoned children and orphans. The Sexual Offences Act of 2003, while not designed specifically for the protection of children, provides criminal penalties for those found guilty of sexual exploitation. Lastly, the Deserted Wives and Children Order of 1971 compels men who have abandoned their families to provide financial support to their former dependents.

13. The minimum age for employment in Lesotho is 15. This is the age at which a child enrolled in primary school at age six will complete secondary school. All new employees who claim to be 21-years-old or under are legally required to present proof of their age. Employers of young persons are required to keep records indicating their employees' ages and the dates of the beginning of their employment. The labor code prohibits the employment of children or young persons in commercial or industrial work at night. Section 124 of Lesotho's labor code prohibits the employment of children in all commercial and industrial firms other than private firms in which up to five members of the family are also employed. These provisions exclude work done by children over the age of thirteen in a school setting if the work has been approved by the Ministry of Education.

14. Lesotho's labor code prohibits children and young persons from employment in any line of work injurious to health or morals, dangerous, or otherwise "unsuitable." With the exception of domestic workers, employed persons under the age of sixteen are required to return to their place of residence each working night. Children and young persons are restricted from employment in mines and quarries, any employment which might lead to "physical, psychological, or sexual abuse," working underwater or at dangerous heights, working in confined spaces,

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or working with dangerous machinery or equipment.

15. Any person who violates the minimum age provisions is liable for a fine of 300 Maluti (approximately \$43), three months imprisonment, or both. A person who is convicted of employing children or young persons in a hazardous environment is liable for a fine of 600 Maluti (approximately \$86), six months imprisonment, or both. The Ministry of Labor and Employment is responsible for investigating labor code violations, including the use of child labor. Inspections are conducted quarterly on a randomly selected sample of enterprises. However, Lesotho's labor code is limited in coverage, and it does not encompass the informal sector, subsistence agriculture, or the self-employed. According to the Commissioner of Labor, many children engaged in WFCL activities are in sectors which fall outside the jurisdiction of the labor code. The Government of Lesotho is currently reviewing the labor code to facilitate inspections in private facilities and homes, especially livestock posts where children work away from their homes for extended periods.

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Social Programs on Child Labor  
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16. In Lesotho, the United States Department of Labor, the International Labor Organization, and the Government of Lesotho support two programs to combat child labor: "Towards the Elimination of the Worst Forms of Child Labor" (TECL) and "Reducing Child Labor through Education in Southern Africa" (RECLISA). The TECL program, led by a committee chaired by Lesotho's Minister of Labor and Employment, aims to implement a national action plan for the elimination of child labor between 2006 and 2008. TECL, which works closely with the U.S. Department of Labor, recently completed its draft plan after consultations with children engaged in child labor and WFCL,

among others. RECLISA is a U.S. Department of Labor funded program focusing on direct assistance to herd boys through literacy and numeracy training. In its three districts of operations, it currently educates 1,900 boys. This program continues to face great challenges due to the significant attrition rate attributable to widespread poverty and unemployment.

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Basic Education  
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17. The Government of Lesotho now provides all seven years of primary school free of charge. Enrollment in 2007 is 426,257 students, comprising 211,478 female pupils and 214,779 male pupils. The GOL stated its intention to standardize secondary school tuition at an affordable level. Currently, the GOL provides books and other learning material at secondary level for students who cannot afford them.

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Successes, Issues, and Support  
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18. COMMENT: Unlike many nations at a similar economic level, Lesotho has rooted child labor out of its industrial base, including its sizable textile and footwear factories. It's remaining child labor issues result from certain cultural practices (i.e., herdboys) and severe poverty (i.e., sex workers and commercial street activities). While the Government of Lesotho appears sincere about fighting child labor, its resources remain limited. For this reason, the continuation of support programs, such as those of the U.S. Department of Labor, remains necessary. END COMMENT.  
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